

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DAVID ALLEN CARSON,)	
)	
Plaintiff,)	Case No. 2:04-cv-234
)	
v.)	HON. RICHARD ALAN ENSLEN
)	
GERALD RILEY, <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

ORDER OF DISMISSAL

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. On August 4, 2005, the Court issued an Order vacating the October 7, 2004, Order which had granted Plaintiff leave to proceed *in forma pauperis*. In this Order, the Court noted that Plaintiff was barred from proceeding *in forma pauperis* by the “three-strikes” rule of 28 U.S.C. § 1915(g). The Court required Plaintiff to pay the entire filing fee for a civil action of \$150.00¹ within 30 days, and warned that his case would be dismissed without prejudice should he fail to comply. Plaintiff subsequently filed a Motion for Reconsideration, which was denied. However, Plaintiff was granted two extensions of time to pay the filing fee. Plaintiff was initially given until October 4, 2005, to pay the filing fee, and was subsequently given until November 4, 2005, to pay the filing fee .

The time allowed for Plaintiff to pay the filing fee has now elapsed, and Plaintiff has not paid the fee. Because Plaintiff has failed to comply with the Order, dismissal of this action without prejudice is appropriate.

¹Because Plaintiff filed this action prior to February 7, 2005, he need only pay \$150.00, rather than the current filing fee of \$250.00.

Therefore:

IT IS HEREBY ORDERED that the captioned case is **DISMISSED** without prejudice.

DATED in Kalamazoo, MI:
December 2, 2005

/s/ Richard Alan Enslen
RICHARD ALAN ENSLEN
SENIOR UNITED STATES DISTRICT JUDGE